



BOS File 230701

Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses

Sponsor: Mayor Breed

Cosponsors: Sup. Engardio, Dorsey, Melgar

Five Major Legislative Goals to Help Small Businesses

- **Reducing the number of barriers** small businesses experience when trying to open a new storefront or expand into a new space
- Allowing businesses **greater flexibility** to adapt to the changing times caused not only by the pandemic, but also due to shifts in consumer behavior as seen globally
- Allowing more businesses to open without going through the months-long Conditional Use Authorization process by **principally permitting more uses** throughout the City, and reducing the ability for appeals to cause even longer delays;
- Allowing more business use types to open on the ground floor to provide **more options in filling vacant commercial ground floor spaces**
- **Addressing challenges for venues** that provide entertainment and/or alcohol, as well as for businesses that offer outdoor patios for patrons

Allow more business uses on the ground floor and as principally permitted

Expand Flexible Retail citywide and allow as principally permitted.

- Flexible Retail gives a business the ability to change between six different uses without going back to the City each time for permits. An example of Flexible Retail: a store selling plants and coffee, and then later on wanting to sell plants and make bags on site.

Clarify in the Planning Code that multiple uses are permitted in the same space. This is like the Flexible Retail concept. For example, one space can sell clothing and operate a barbershop.

Allow Professional Services on the ground floor as principally permitted citywide, and allow coworking as part of Professional Services. (Note that coworking is distinct from “Office” use.)

- Professional Services includes: travel services, accounting, legal, consulting, insurance, or real estate brokerages.

Lift restrictions on Restaurants, Limited Restaurants and Bars

Currently, several commercial corridors have restrictions in place for Restaurants, Limited Restaurants, and Bars, such as not permitting them, imposing a cap on the number of restaurants that can be established, or requiring a Conditional Use Authorization.

The ordinance will **lift restrictions on Restaurants and Limited Restaurants** in Chinatown, along Haight Street, Jackson Square, Taraval Street.

New bars are currently not permitted or are restricted along Haight Street, Jackson Square, Pacific Ave, Sacramento Street, Union Street and in the Mission. The ordinance will **lift restrictions on bars** in these areas.

Mission Street will increase the restaurant/ limited restaurant/bar cap from 167 to 179.

Incorporate new state liquor license Type 90 into SF Planning Code

The CA Department of Alcoholic Beverage Control (ABC) adopted a new liquor license type, the Type 90, which needs to be incorporated into the San Francisco Planning Code.

The Type 90 Music Venue liquor license authorizes the sale of beer, wine, and distilled spirits at retail for consumption on the premises in a music entertainment facility. One key feature of this liquor license type is that minors are allowed on the premises.

Create a path for legalization of long- standing outdoor patios

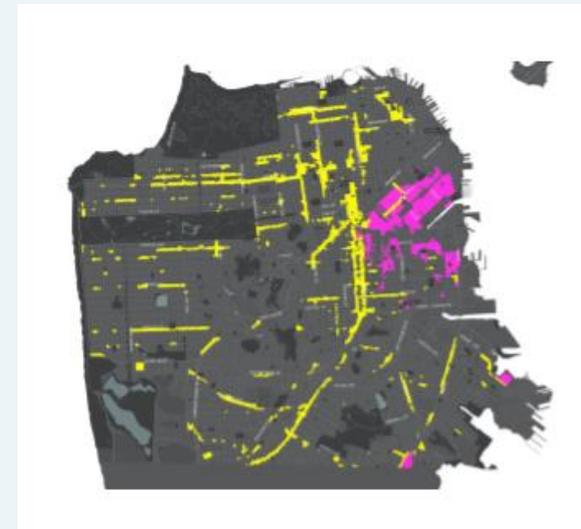
Currently, a business must go through the Conditional Use Authorization process if they cannot provide clear documentation as to when the Outdoor Activity Area (patio) was first established.

The ordinance will allow the Planning Department to legalize through a building permit any Outdoor Activity Area that has been in operation for at least 10 years without requiring a Conditional Use Authorization.

Remove public notice requirement in Eastern Neighborhoods Mixed Use Districts for change-of-use projects

Expedites the permitting process by reducing the 30-day public notice and appeal process for businesses changing from one use to another (e.g., coffee shop changing to a plant shop)

This is current practice in other use districts due to Proposition H (Save our Small Business Initiative, adopted by voters in November 2020).



Enable Nighttime Entertainment, Bars, and Restaurants to benefit from priority processing at Planning Department/ Commission

Currently, Nighttime Entertainment uses, Bar uses, and Restaurants with full liquor licenses are currently excluded from participation in the Planning Department's Community Benefit Priority Processing Program (CB3P) which guarantees (1) a Planning Commission hearing date within 90 days of filing a complete application and (2) placement on the Planning Commission's consent calendar.

The ordinance will allow Nighttime Entertainment uses, Bar uses, Restaurants with full liquor licenses, and expansions of hours of operation to be eligible for expedited Conditional Use Authorization review through participation in CB3P.